

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 19-0433V

UNPUBLISHED

KATIE M. MILLER,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: November 21, 2020

Special Processing Unit (SPU);
Ruling on Entitlement; Concession;
Table Injury; Tetanus Diphtheria
acellular Pertussis (Tdap) Vaccine;
Brachial Neuritis

David John Carney, Green & Schafle LLC, Philadelphia, PA, for petitioner.

*Mallori Browne Openchowski, U.S. Department of Justice, Washington, DC, for
respondent.*

RULING ON ENTITLEMENT¹

On March 22, 2019, Katie Miller filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the "Vaccine Act"). Petitioner alleges that that she suffered a left Shoulder Injury Related to Vaccine Administration, or in the alternative, a "left brachial plexitis," as a result of a Tdap vaccination administered on April 25, 2016. Petition at *Introduction*. The case was assigned to the Special Processing Unit of the Office of Special Masters.

On November 20, 2020, Respondent filed his Rule 4(c) report in which he concedes that Petitioner is entitled to compensation in this case. Respondent's Rule 4(c) Report at 1. In the report, Respondent "concluded that petitioner suffered a Table injury

¹ Because this unpublished ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all "§" references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

under the Vaccine Act" consistent with brachial neuritis, the onset of which occurred within two to twenty-eight days following her April 25, 2016 Tdap vaccination.³ *Id.* at 7-8. With respect to other statutory and jurisdictional issues, Respondent agrees that the records show that the case was timely filed, that the vaccine was received in the United States, and that Petitioner suffered the residual effects or complications of her injury for more than six months after vaccine administration. *Id.* at 8.

In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran

Chief Special Master

³ Respondent concludes that Petitioner has not met the Table requirements for SIRVA. ECF 35 at 8 n.7.